

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA

v.

JOSE ORTIZ-PEREZ

CR. No. 05-cr-10115-JLT

**AFFIDAVIT OF COUNSEL IN SUPPORT OF
DEFENDANT'S MOTION TO SUPPRESS TO SUPPRESS WIRE INTERCEPTIONS**

I, David Duncan, state the following is true to the best of my knowledge, information and belief:

1. I am an attorney, licensed to practice law in the Commonwealth of Massachusetts.
2. I represent the defendant in this action.
3. I have reviewed the discovery provided to me by the government in this case, including the Wiretap Applications, Affidavits in Support thereof, Orders and Returns. I have also reviewed the DEA and other police reports concerning the investigation which led to the indictment of the defendant in this case.
4. I believe there is a legal basis for the Motion which I have filed to suppress interceptions made pursuant to certain of the Wiretap Orders in this case, for the reasons which are set out in the Memorandum of Law. The Motion is based on the disclosure of investigative steps and reasons for failing to take other investigative steps which is set forth in the Affidavits submitted in support of the Wiretap Orders. I have attached the Affidavit dated February 4, 2005, to the Memorandum as an Exhibit.

Signed under the pains and penalties of perjury this Thirteenth day of March, 2006.

/s/ David Duncan
David Duncan (#546121)
Zalkind, Rodriguez, Lunt & Duncan, LLP
65a Atlantic Avenue
Boston, MA 02110
(617) 742-6020

Certificate of Service

I hereby certify that this document, filed through the ECF system, will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non registered participants on the above date.

/s/ David Duncan